

### **REMARKS/ARGUMENTS**

Claims 1-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,826,153 (Kroon). Applicant respectfully requests reconsideration of the rejection.

Claim 1 recites a method for forwarding data across a network that includes assigning a priority level to the data and determining a compression level for the data based on the priority level. The priority level is based on a delay tolerance of the data. The priority levels are assigned to data supporting both real time and non-real time communications.

Kroon discloses a system and method of increasing the message throughput in a radio network. Messages are ranked by a priority manager as a function of the priority and time to live of each message. The priority manager maintains a list of the destination radios for message packets in the radio queue. The radio queue ranks the destination radios as a function of the urgency of the messages (see Figs. 3 and 4). The messages are conglomerated into assemblies destined for the same destination radio. A packet conglomeration manager may then compress the conglomerated assembly.

Kroon does not disclose associating each of two or more priority levels with different compression levels or selecting a compression level for data based on a priority level of the data, as set forth in the claims. In rejecting the claims, the Examiner cites col. 9, lines 35-65. This section of the patent describes how the packet conglomeration manager determines if compression of the conglomerated assembly is desirable. The packet conglomeration manager compresses the conglomerated assembly and compares the size of the compressed assembly with the size of the uncompressed assembly. If the size of the compressed assembly is larger than the uncompressed assembly, the compression is undesirable and the conglomerated assembly is transmitted without compression.

Applicant notes that it is the conglomerated assembly that is compressed, not the individual packets, or packets grouped by priority. As described at col. 8, lines 21-62, message packets destined for the same radio are conglomerated by the packet conglomeration manager into a single assembly. Thus, the conglomerated assembly may include packets having different priority. (See, for example messages B and D of Fig. 4). Since compression is determined based on the conglomerated assembly, Kroon cannot associate priority levels with different compression levels or select a compression level based on a priority level.

Furthermore, Kroon determines whether or not to perform compression based on a comparison of the size of the compressed assembly with the uncompressed assembly. The decision is not based on priority level. Kroon notes that typically files such as JPEG files and video streams result in larger files when compressed and therefore compression is not desirable. A data file may therefore not be compressed, while voice data may be compressed. This teaches away from applicant's invention.

Moreover, since the decision whether or not to compress involves actually compressing the data, Kroon's system adds a delay to all data, whether or not it is actually sent as compressed.

Applicant's invention, as set forth in the claims, takes advantage of the capacity increasing capabilities of data compression technology while protecting delay sensitive traffic (e.g., real time voice or video communication) from the adverse consequences of compression processing calculations. Since priority levels are assigned to both real time and non-real time communications, the system can take into account that the processing necessary to perform compression adds a delay that may be insignificant for certain types of data traffic such as e-mail, tolerable but undesirable for web downloading, and intolerable for real time voice or video communications, for example.

Accordingly, claim 1 is submitted as not anticipated by Kroon.

Claims 2-9 and 28-29 each depend either directly or indirectly from claim 1 and are believed to be allowable over Kroon for at least the reasons set forth above with

respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record.

Claims 2, 4, and 7 are further submitted as patentable over Kroon because, as discussed above, Kroon does not use priority level as a determining factor in whether or not to compress data.

Claims 5 and 6 are further submitted as patentable over Kroon which does not determine a compression level based on network congestion.

Claims 10, 11, 16, and 25-27 are submitted as patentable over Kroon for the reasons discussed above with respect to claim 1. Each of these independent claims, in addition to any dependent claims which depend therefrom, include additional limitations which are believed to further distinguish the claimed invention over the art of record.

Claims 12, 17, 18, 19, 20, 22, 28, and 29 are further submitted as patentable over Kroon because, as discussed above, Kroon does not use priority level as a determining factor in whether or not to compress data.

Claims 13, 20, 22 are further submitted as patentable over Kroon which does not determine a compression level based on network congestion.

Claim 28 is further submitted as patentable over Kroon, which does not disclose at least three different levels of compression corresponding to different priority levels. Kroon either compresses data or does not compress data. There are not three different levels of compression. Also, as noted above, compression does not correspond to priority level.

Claim 29 is further submitted as patentable over Kroon because Kroon does not disclose that data having a low priority level has a higher compression level and a longer processing delay than data having a high priority assigned thereto. As noted above, Kroon does not correlate compression with priority. Furthermore, since Kroon

compresses all data (to compare compressed data size to uncompressed data size), all data has a processing delay.

For the foregoing reasons, Applicant believes that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Kaplan', with a long horizontal flourish extending to the right.

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